REMARKS

Claims 1-49 are pending in the instant application and stand rejected by the examiner. Claims 1 and 39 are independent claims. The assignee traverses the rejections of the pending claims.

Claim Rejections – 35 U.S.C. §§ 102, 103

Claims 1-8, 21-27, 33-34, and 39-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Network Working Group RFC 2633 (June 1999) (Ramsdell) and in further view of Klein (U.S. Patent No. 6,496,853). Claims 9-14, 16-17, 28-32, and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramsdell in view of Klein and in further view of Thorne (U.S. Patent No. 5,958,005). Claims 15 and 19-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramsdell in view of Klein and Thorne and further in view of official notice. Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramsdell in view of Klein and Thorne and further in view of Carpenter (U.S. Patent No. 5,544,316). Finally, claim 49 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Ramsdell in view of Klein and in further view of official notice. These rejections are traversed.

Claim 1 of the instant application is directed to a method of mimetic message settings selection on a messaging client. The method detects an outgoing message and determines whether the outgoing message is related to a previously received message having message characteristics.

Claim 1 recites that the determination of whether the ***outgoing message*** is related to a previously received message is based upon the outgoing message and the previously received content ***having at least a portion of message content in common or comprising a message***

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thread. The office action maintains that Ramsdell and Klein disclose this limitation of claim 1. More specifically, page 3 of the office action provides that "Ramsdell teaches wherein said determining whether the outgoing message is related to the previously received message is based upon the outgoing message and the previously received message having at least a characteristic in common or comprising a message thread...." Assignee respectfully disagrees with this characterization of claim 1's limitation. The limitation of claim 1 does not recite that an outgoing messages is related to a previously received message *based upon having at least a characteristic in common*. Instead, claim 1 recites that an outgoing message is determined to be related to the previously received message based upon a portion of message content being in common or comprising a message thread. There is no mention in claim 1 that such a determination is based upon having at least a characteristic in common as maintained by the office action.

Assignee also respectfully disagrees that the cited references disclose this limitation of claim 1. First, there is no disclosure in the cited references of the aforementioned determination (i.e., determining whether the outgoing message is related to the previously received message) being based upon the outgoing message and the previously received message comprising a message thread. The office action maintains that Ramsdell (at page 10, lines 28-40) teaches this limitation of claim 1. However, there is no disclosure of utilization of a message thread in Ramsdell. Instead, Ramsdell's approach involves only a determination of what is the most recent encrypted message from a particular sender. Such a message may not be a message in a message thread that is relevant to the outgoing message. In other words, the most recent encrypted message may be a completely unrelated message and not in the relevant message thread (if in one at all).

Second, there is no disclosure in the cited references of the aforementioned determination (i.e., determining whether the outgoing message is related to the previously received message) being based upon the outgoing message and the previously received message having at least a portion of message content in common. Page 3 of the office action provides that "Klein teaches wherein the message characteristic can be common content and wherein message contents are used to identify related messages (Klein: Figure 7, col 11, lines 43-52; See also col 11, lines 27-38)." These passages of Klein (which also reference Figure 7) read as follows:

> The subroutine then continues to step 620 to organize the related messages in order based on the time that the messages were sent. In this manner, the newly created message will include the unique contents of each of the related messages in the order that the contents were generated. ***This will assist a reviewer of the new message to more easily appreciate how the series of messages in the message thread developed over time.*** After step 620, the subroutine continues to step 695 and returns. Those skilled in the art will appreciate that subjects alone can be used to identify messages with redundant contents without using message send times, and that message send times can be used in conjunction with other message relation identifiers such as IDs and message contents in order to ensure that the newly created message has an appropriate series of contents that reflects how the related messages were created.
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> FIG. 7 is an exemplary flow diagram of an alternate embodiment of subroutine 420 in which message contents are used to identify related messages with redundant contents. In this embodiment, all of the messages in a message thread have related contents because each response message includes the contents of the message being responded to. Those skilled in the art will appreciate that in other embodiments, none or only some of the contents of the message being responded to may be included in response messages. [(Emphasis added.)]

These passages of Klein teach how an incoming message can be processed before it is viewed by a recipient. More specifically, an incoming message is compared with other received messages so that messages with redundant contents can be managed so that the user need not review the content. For example in Klein, the messages with redundant contents can be managed by creating a new message which includes the unique contents of each of the identified messages

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and which can then be viewed by the recipient. Accordingly, these passages only concern processing of *received messages*.

In contrast, claim 1 recites processing of an *outgoing message* relative to a previously received message. This processing in claim 1 is performed in order to determine whether the outgoing message is related to a previously received message based upon the outgoing message and the previously received message having at least a portion of message content in common. Klein provides no teaching whatsoever of processing an outgoing message for determining whether outgoing messages are related to previously received messages. Nor would Klein have any incentive to provide such teaching since Klein is solving the problem of minimizing the time it takes a recipient to review incoming messages. (See, column 2, lines 14-18 of Klein.) Because of such lack of disclosure, Klein (whether considered alone or in combination with Ramsdell) cannot render claim 1 unpatentable. Accordingly, claim 1 is allowable and should proceed to issuance.

With respect to the other independent claim, claim 39 recites similar subject matter as claim 1. Accordingly, for similar reasons as claim 1, claim 39 is allowable and should proceed to issuance.

Assignee disagrees with other positions in the office action as well. For example, claim 3 recites that a received message includes an attachment and that the step (in claim 1) of determining whether an outgoing message includes a portion of a previously received message comprises determining whether the outgoing message includes the attachment. In rejecting this claim, the office action cites Ramsdell in view of Klein. More specifically, the office action cites to column 11, lines 43-52 and column 9, lines 6-9 of Klein as teaching the attachment feature of claim 3. However, the processing disclosed in these passages of Klein is only discussing the

processing of received messages and does not involve at all the processing of an outgoing message as required by claim 3. Moreover, Klein is merely discussing that attachments can be added to a message, and there is no discussion of the specific features of claim 3 (i.e., wherein the step of determining whether the outgoing message includes a portion of a previously received message comprises the step of determining whether the outgoing message includes the attachment). For at least this additional reason, claim 3 is patentable over the cited references and should proceed to issuance.

It is noted that the assignee has not presented arguments herein with respect to the other dependent claims in the instant application. This is done without prejudice to the assignee's right to present arguments regarding each of the dependent claims at any point in the future. Further, since all of the dependent claims in the instant application depend from independent claims that are patentable over the cited references, the dependent claims are themselves patentable for at least the reasons set forth with respect to the independent claims.

CONCLUSION

For the foregoing reasons, the assignee respectfully submits that the pending claims are allowable. Therefore, the assignee respectfully requests that the examiner pass this case to issuance.

Respectfully submitted,

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